

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kevin O'Rourke

Serial No. : 09/939,899

Filed : August 27, 2001

For : A System and User Interface for Processing and Navigating Patient Record Information

Examiner : Le V Nguyen

Art Unit : 2174

**RENEWED PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE HOLDING OF
ABANDONMENT**

Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR 1.181, Applicant respectfully submits this request to withdraw the holding of abandonment of the above referenced application.

The earlier petition was dismissed for failure to make the showing required to establish non-receipt of an Office communication. In particular, the Petitions office stated that the following showing must be made:

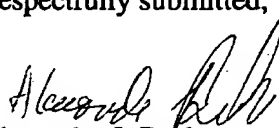
- (1) a statement that the Office communication was not received and attesting to the facts that search of the file jacket and docket record indicates that the Office communication was not received,
- (2) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in the statement,
- (3) no circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail, and
- (4) a statement from the practitioner describing the docketing system and indicating that the docketing system is sufficiently reliable.

In response, Applicants respectfully submit: (1) the attached statement from Tracey Daniel that the Office communication was not received and attesting to the facts that a search of the file jacket and docket record indicates that the Office communication was not received, (2) a copy of the docket record where the non-received Office communication would have been entered had it been docketed, (3) that, to my knowledge, there are no circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail, and (4) that the Siemens docketing system is an electronic docketing system that is used to record and track all Office Actions received for Siemens virtually worldwide for multiple Siemens operating companies. The Siemens docketing system's reliability is of the highest standard and has to be, otherwise it would detrimentally effect the operation of Siemens Intellectual Property Management Worldwide. There are no recorded uses to my knowledge of the system or it supports having mislaid an Office Action from the USPTO.

Therefore, Applicant respectfully requests the Petition office to reconsider and grant applicant petition for resending the Notice of Allowance under 37 CFR 1.181 to withdraw the holding of abandonment.

The commissioner is hereby authorized to charge the petition fee set forth in CFR 1.181 and all other required appropriate fess due in connection with this paper to Deposit Account No. 19-2179.

Respectfully submitted,



Alexander J. Burke
Reg. No. 40,425

September 11, 2008

Siemens Corporation
Customer No. 28524
Tel 732 321 3023
Fax 732 321 3030

01P07802US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**DECLARATION BY TRACEY DANIEL IN SUPPORT OF
RENEWED PETITION UNDER 37 CFR 1.181 TO
WITHDRAW THE HOLDING OF ABANDONMENT**

Sir,

1. I, Tracey A. Daniel, a citizen of the United States, hereby declare and state as follows:
2. I am currently part of the Legal Administration Support with the Intellectual Property Law Department of Siemens Corporation. I have been in this position for 12 years.
3. As part of my duties as the Patent Assistant, I am responsible for receiving and docketing all incoming office actions from the United States Patent & Trademark Office ("Office").

4. To the best of my knowledge, the Office communication for Serial No. 09/939,899 mailed October 18, 2007 was not received by me or any other Siemens Corporation employee. A search of the file jacket and docket record where the non-received Office communication would have been stored and entered was made and the search indicates that the Office communication was not received. In particular, I reviewed the physical docket and electronic file jacket and Mr. Alexander J. Burke (attorney of record) informed me that he personally reviewed the physical file docket.
5. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed, is attached hereto.
6. To the best of my knowledge, there are no circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.
7. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed true. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 9-11-08

By: Tracey A. Daniel
Tracey A. Daniel

SAG IPAS - Microsoft Internet Explorer provided by Siemens Corporation

Grant / National Procedure

Patents | Trademarks | Incoming Mail | Time Limits | Common Fct. | Master Data | Information Supply

Other In-coming Documents

Sender	Document Type	Received at	Comment	How
<input type="checkbox"/>	Manual Deadline PP	09.20.2008	Decision on Petition: Dismissed	Change
<input type="checkbox"/>	US - Notice of Abandonment	02.15.2008	DOC001.PDF	Change
	Manual Deadline PP	11.02.2007	Interview Summary	Change
	Manual Deadline PP	05.31.2007		Change
	US - Reply to Brief to Examiners	10.25.2006		Change
	US - Reply to Brief to Examiners	09.18.2006		Change
	Manual Deadline PP	06.01.2006		Change
	US - Final Office Action	10.12.2005		Change
	US - Advisory Action	03.23.2005		Change
	US - Final Office Action	02.14.2005		Change
	US - 3 month Office Action	06.23.2004		Change
	National Laid Open Date	11.14.2002		Change

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For : A System and User Interface for Processing and Navigating Patient Record Information

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Art Unit : 2174

Resubmission of Petition Pursuant to 37 CFR 1.181 to Withdraw Holding of Resubmission of Abandonment Based on Failure to Receive Office Action

Technology Center 2100
Commissioner for Patents
PO Box 1450
Alexandria
VA 22313-1450
Washington, D.C. 20231

Sir:

This is a resubmission of petition previously sent on February 20, 2008 to a Notice of Abandonment dated February 11, 2008. Please consider this petition to withdraw holding of abandonment based on failure to receive office action.

Although it is believed no fee is due, please charge any fee associated with this petition to deposit account 19-2179.

I Alexander James Burke as prosecuting attorney on this application, believe and attest on information and belief that no notice of allowance and associated issue fee payment documents were received by Applicants for the subject application. I attach Exhibit A (and an Expanded Exhibit A for easier reading) which is a copy of an electronic record maintained by Siemens Corporation which shows absence of any receipt of a notice of allowance and associated issue fee payment documents. Such receipt would be recorded in normal course of business in the record. Also a search of the physical paper docket personally performed by myself indicates that notice of allowance and associated issue fee payment documents are missing.

Applicant respectfully requests that the Notice of Allowance and Fees Due Notice be remailed.

Respectfully submitted,



Alexander J. Burke
Reg. No. 40,425

May 19, 2008

Siemens Corporation
Customer No. 28524
Tel 732 321 3023
Fax 732 321 3030

Other In-coming Documents:					
	Sender:	Document Type:	Received at:	Comment:	New
<input type="checkbox"/>	--	US - Notice of Abandonment	02.15.2008	DOC001.PDF	Change
	--	Manual Deadline PP	11.02.2007	Interview Summary	Change
	--	Manual Deadline PP	05.31.2007		Change
	--	US - Reply to Brief to Examiners	10.25.2006		Change
	--	US - Reply to Brief to Examiners	09.18.2006		Change
	--	Manual Deadline PP	06.01.2006		Change
	--	US - Final Office Action	10.12.2005		Change
	--	US - Advisory Action	03.23.2005		Change
	--	US - Final Office Action	02.14.2005		Change
	--	US - 3 month Office Action	06.23.2004		Change
	--	National Laid Open Date	11.14.2002		Change
	--	US - Filing receipt from PTO	10.02.2001		Change
	--	US - National Filing Date	09.07.2001		Change
	--	US - National Filing Date	08.28.2001		Change

EXHIBIT A EXPANDED

SAG IPAS Microsoft Internet Explorer provided by Siemens Corp

Giant / National Procedure

Patents | Trademarks | Time Limits | Common Fct | Information Supply

Other In-coming Documents:

Sender	Document Type	Received at	Comment	Flow
<input type="checkbox"/>	US - Notice of Abandonment	02.15.2008	DOC001.PDF	Change
<input type="checkbox"/>	Manual Deadline PP	11.02.2007	Interview Summary	Change
<input type="checkbox"/>	Manual Deadline PP	06.31.2007		Change
<input type="checkbox"/>	US - Reply to Brief to Examiners	10.25.2006		Change
<input type="checkbox"/>	US - Reply to Brief to Examiners	09.18.2006		Change
<input type="checkbox"/>	Manual Deadline PP	06.01.2006		Change
<input type="checkbox"/>	US - Final Office Action	10.12.2005		Change
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<input type="checkbox"/>	US - National Filing Date	09.29.2001		Change

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EXHIBIT A